

FIRST REGULAR SESSION

HOUSE BILL NO. 64

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURLISON (Sponsor), JONES (110), DIEHL, ANDERSON, MORRIS, KEENEY, BRATTIN, LANT, RICHARDSON, ALLEN, JONES (50), REIBOLDT, ELMER, FREDERICK, SCHATZ, WHITE, COOKSON AND STREAM (Co-sponsors).

0502L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 130.028 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to labor organizations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 130.028 as truly agreed to and finally passed by conference committee substitute no. 3 for house committee substitute no. 2 for senate bill no. 844, ninety-fifth general assembly, second regular session and section 130.028 as enacted by conference committee substitute for house committee substitute for senate bill no. 650, eighty-ninth general assembly, second regular session is repealed and one new section enacted in lieu thereof, to be known as section 130.028, to read as follows:

[130.028. 1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 (2) Coerce or attempt to coerce, intimidate or bribe any member or
10 employee to vote or refrain from voting for any candidate at any election in this
11 state; or

12 (3) Coerce or attempt to coerce, intimidate or bribe any member or
13 employee to vote or refrain from voting for any issue at any election in this state;
14 or

15 (4) Make any member or employee as a condition of membership or
16 employment, contribute to any candidate, political committee or separate political
17 fund; or

18 (5) Discriminate or threaten to discriminate against any member or
19 employee in this state for contributing or refusing to contribute to any candidate,
20 political committee or separate political fund with respect to the privileges of
21 membership or with respect to his employment and the compensation, terms,
22 conditions or privileges related thereto shall be guilty of a misdemeanor, and
23 upon conviction thereof be punished by a fine of not more than five thousand
24 dollars and confinement for not more than six months, or both, provided, after
25 January 1, 1979, the violation of this subsection shall be a class D felony.

26 2. No employer, corporation, political action committee, or labor
27 organization shall receive or cause to be made contributions from its members or
28 employees except on the advance voluntary permission of the members or
29 employees. Violation of this section by the corporation, employer, political
30 action committee or labor organization shall be a class A misdemeanor.

31 3. An employer shall, upon written request by ten or more employees,
32 provide its employees with the option of contributing to a political action
33 committee as defined in section 130.011 through payroll deduction, if the
34 employer has a system of payroll deduction. No contribution to a political action
35 committee from an employee through payroll deduction shall be made other than
36 to a political action committee voluntarily chosen by the employee. Violation of
37 this section shall be a class A misdemeanor.

38 4. Any person aggrieved by any act prohibited by this section shall, in
39 addition to any other remedy provided by law, be entitled to maintain within one
40 year from the date of the prohibited act, a civil action in the courts of this state,
41 and if successful, he shall be awarded civil damages of not less than one hundred
42 dollars and not more than one thousand dollars, together with his costs, including
43 reasonable attorney's fees. Each violation shall be a separate cause of action.]

130.028. 1. Every person, labor organization, or corporation organized or existing by
2 virtue of the laws of this state, or doing business in this state who shall:

3 (1) Discriminate or threaten to discriminate against any member in this state with respect
4 to his membership, or discharge or discriminate or threaten to discriminate against any employee
5 in this state, with respect to his compensation, terms, conditions or privileges of employment by
6 reason of his political beliefs or opinions; or

7 (2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or
8 refrain from voting for any candidate at any election in this state; or

9 (3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or
10 refrain from voting for any issue at any election in this state; or

11 (4) Make any member or employee as a condition of membership or employment,
12 contribute to any candidate, political committee or separate political fund; or

13 (5) Discriminate or threaten to discriminate against any member or employee in this state
14 for contributing or refusing to contribute to any candidate, political committee or separate
15 political fund with respect to the privileges of membership or with respect to his employment
16 and the compensation, terms, conditions or privileges related thereto shall be guilty of a
17 misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand
18 dollars and confinement for not more than six months, or both, provided, after January 1, 1979,
19 the violation of this subsection shall be a class D felony.

20 2. No employer, corporation, continuing committee, or labor organization shall receive
21 or cause to be made contributions from its members or employees except on the advance
22 voluntary permission of the members or employees. Violation of this section by the corporation,
23 employer, continuing committee or labor organization shall be a class A misdemeanor.

24 3. An employer shall, upon written request by ten or more employees, provide its
25 employees with the option of contributing to a continuing committee as defined in section
26 130.011 through payroll deduction, if the employer has a system of payroll deduction. No
27 contribution to a continuing committee from an employee through payroll deduction shall be
28 made other than to a continuing committee voluntarily chosen by the employee. Violation of this
29 section shall be a class A misdemeanor.

30 4. **An employer or labor organization, directly or through another person, may**
31 **obtain contributions for a candidate, campaign committee, continuing committee,**
32 **legislative campaign fund, political party, or person making disbursements to pay the**
33 **direct costs of producing or airing electioneering communications from an employee or**
34 **member on an automatic basis under a payroll deduction plan only if the employee or**
35 **member who is contributing to that candidate, campaign committee, continuing committee,**
36 **legislative campaign fund, political party, or person making disbursements to pay the**
37 **direct costs of producing or airing electioneering communications affirmatively consents**
38 **to the contribution in writing annually. This section shall not apply to voluntary**
39 **member-owned trade associations wholly operating in the state of Missouri or employees**
40 **covered under subdivision (3) of section 192.800. Nothing in this section shall be**
41 **interpreted as denying a labor organization the right to receive and use dues moneys for**
42 **any legal purpose.**

43 **5.** Any person aggrieved by any act prohibited by this section shall, in addition to any
44 other remedy provided by law, be entitled to maintain within one year from the date of the
45 prohibited act, a civil action in the courts of this state, and if successful, he shall be awarded civil
46 damages of not less than one hundred dollars and not more than one thousand dollars, together
47 with his costs, including reasonable attorney's fees. Each violation shall be a separate cause of
48 action.

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